

REMARKS/ARGUMENTS

Claims 1-7, 9-13, 15, 18-25, 27 and 29-33 are present in this application.

Claims 1-4, 7-15, 18-25, 27, 30 and 32 were rejected under 35 U.S.C. §103(a) over U.S. Published Patent Application No. 2001/0037373 to Cambridge in view of U.S. Published Patent Application No. 2002/0026374 to Moneymaker. This rejection is respectfully traversed.

As discussed in the Amendment filed April 16, 2007, an important objective of the present invention is to facilitate a product purchase using a computer but without requiring access to the Internet. The Office Action recognizes that the Cambridge publication requires access to the Internet in order to initiate and complete a purchase. In this context, the Office Action references Moneymaker at paragraph [0027] describing that payment may be effected offline, and the Office Action concludes that it would have been obvious to modify the Cambridge system to include such offline payment.

With reference to the claims, however, claim 1 defines a step of initiating and completing the purchase of the item without accessing the Internet. The reference in Moneymaker to enable offline payment does not correct the deficiencies noted with regard to the Cambridge publication. That is, even though the Moneymaker publication references an offline payment, the Moneymaker system is not operable without online access. In fact, every item of information necessary to initiate and complete an order requires Internet access. See, e.g., paragraph [0027]. Reference to an offline payment without considering the remaining disclosure is insufficient to support an obviousness conclusion. It is well settled that “it is impermissible within the framework of §103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” See, *In re Kamm*, 172 USPQ 298

(CCPA 1972), citing *In re Rothermel*, 125 USPQ 328 (CCPA 1960). The mere reference to an offline payment option when every other function/operation in the Moneymaker system requires Internet access does not provide a requisite teaching to support the obviousness determination. The resulting hindsight conclusion is improper, and Applicants thus respectfully submit that the rejection of claim 1 is misplaced.

Claim 12 defines related subject matter, and claim 15 defines a communication device that initiates and completes the purchase of the item without accessing the Internet. Claim 19 recites means for, if purchasing data have been stored, selectably establishing a communication link to a remote vendor for order processing without accessing the Internet. For reasons similar to those discussed above with regard to claim 1, Applicants respectfully submit that the rejection of these independent claims is also misplaced.

With regard to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) over Cambridge in view of Moneymaker and U.S. Patent No. 6,026,376 to Kenney. Additionally, claims 29, 31 and 33 were rejected under 35 U.S.C. §103(a) over Cambridge in view of Moneymaker and U.S. Patent No. 5,918,213 to Bernard et al. Applicants respectfully submit, however, that these references do not correct the deficiencies noted above with regard to Cambridge and Moneymaker, taken singly or in combination. As such, Applicants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejections is respectfully requested.

In view of the foregoing remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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